

Remarks

In the Office Action mailed September 27, 2006, the Examiner: (I) objected to claims 16-17 and 21 under 35 U.S.C. 112; (ii) rejected claim 20 under 35 U.S.C. 101; (iii) rejected claims 1-8, 11-13, and 20 under 35 U.S.C. 102(b); and (iv) rejected claims 9-10, 14-19, and 21-22 under 35 U.S.C. 103(a).

In this Response, Applicant has amended claims 1, 14, 16, and 20-22; and added new claims 23-24. Claims 1-24 will be pending after entry of this Amendment.

I. Rejections under Section 112

The Examiner rejected claims 16-17 as lacking antecedent basis for "The inheritance manager of claim 16." Applicant has amended claim 16 to depend upon independent claim 14.

The Examiner rejected claim 21 because the phrase "such as through a computer or telephone network" was indefinite. Applicant has removed this phrase from claim 21.

II. Rejections under Section 101

The Examiner rejected claims 21-24 as not being limited to tangible embodiments. Applicant has amended claim 21 to recite the word "tangible."

III. Rejections under Sections 102 and 103

The Examiner rejected claims 1-8, 11-13, and 20 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,247,020 to Minard ("Minard"), and claims 9-10, 14-19, and 21-22 as anticipated by Minard in view of Publication No. 2004/0064802 to Cherdron et al ("Cherdron").

A. The references do not teach or suggest all of the claim elements.

A reference can only anticipate a claimed invention if that reference teaches each and every element of the claim. *MPEP § 2131*. Similarly, a combination of references can only obviate an invention if the suggested combination teaches or suggests all of the claimed limitations. *MPEP § 2142*. Taken together, if none of the references teach or suggest a particular limitation, then the claimed inventions can neither be anticipated or obviated by any combination of the cited art. Applicant respectfully submits that none of the references teaches or suggests "detecting configurations associated with a plurality of instances of an executing application, wherein each configuration comprises with a plurality of settings" (claims 1 and 20) or "data representing a plurality of executing instances of the application" (claims 14 and 22).

1. Minard

This patent describes an integrated development environment ("IDE") for Java classes and methods. The interface includes a single Application Browser that is used to perform all the usual development functions. The present invention, in contrast, is directed at a completely different problem, namely the problem of how to manage cross-platform, multi-system settings in a program dialogue. Some of these settings are global, where others have local overrides. A manager can never be sure when changing a setting which instances of systems and policies that change will affect. Moreover, global configuration files and inherited settings act in very different ways. For example, if a manager overrides the global value for a particular setting, that setting now behaves on its own, independent of the global setting.

With these fundamental differences in mind, Applicant respectfully submits that there is nothing in Minard that teaches or suggests how to manage settings of instances of an executing application, and certainly nothing that teaches or suggests "detecting configurations associated with a plurality of instances of an executing application,

wherein each configuration comprises with a plurality of settings" (claims 1 and 20) or "data representing a plurality of executing instances of the application" (claims 14 and 22).

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2. Cherdron

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The Cherdron reference is also directed at standard IDE. Like Minard, Cherdron is completely silent about how to manage settings of instances of an executing application. Accordingly, Applicant respectfully submits that this reference also fails to teach or suggest "detecting configurations associated with a plurality of instances of an executing application, wherein each configuration comprises with a plurality of settings" (claims 1 and 20) or "data representing a plurality of executing instances of the application" (claims 14 and 22).

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B. Even if the references taught or suggested every element, the proposed combinations would not obviate the claimed invention

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To rely on a reference under 35 U.S.C. § 103, the reference must be analogous prior art. *MPEP § 2141.01(a)*. A reference is considered analogous prior art if the reference is either in the field of Applicants' endeavour or, if the reference is reasonably pertinent to the particular problem with which the inventor was concerned. *Id.* A reference is pertinent if, even though it may be in a different field from that of the inventor's endeavour, it is one which, because of the matter with which it deals, logically would have commended itself to an inventor's attention in considering his problem. *See id., citing Wang Laboratories v. Toshiba Corp., 993 F.2d 858 (Fed. Cir. 1993).*

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Furthermore, when determining whether a reference is analogous, the Examiner cannot look at isolated teachings of the prior art without considering the over-all context within which those teachings are presented. *In re Pagliaro, 657 F.2d 1219, 1225 (Cust & Pat.App., 1981)*. Thus, the Examiner must consider each reference as a whole and

determine if the reference as a whole is concerned with problems associated with the pending application. *Id.*

As described in the background section, the present invention is directed at helping IT administrators manage the many settings associated with each instance of an application program. *E.g., pg. 1, lines 18-25; pg. 2, lines 22-23.* Minard and Cherdron, in contrast, are directed at helping computer programmers manage inherited values. Applicant respectfully submits that these problems have no relation to each other. In fact, there is no teaching or suggestion of how to manage application settings at all. For at least this reason, the proposed combination is improper.

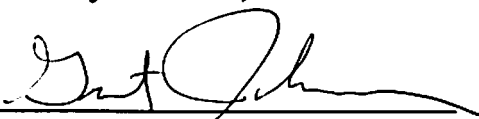
IV. New Claims

New claims 23-24 add that the configuration inheriting settings from a parent still contains all the same settings. This feature makes it easy to stop inheriting any and all of the values in the properties file or dialogue, enabling to behave independently of the global configuration file. In Minard and Cherdron, in contrast, each class inheriting classes and methods from a parent do not have the same content as the parent. They extend the parent.

V. Conclusion

It is believed that the present application is in condition for allowance and a prompt and favourable allowance of all claims is respectfully requested. If the Examiner, upon considering this amendment, thinks that a telephone interview would be helpful in expediting allowance of the present application, he/she is respectfully urged to call the Applicant's attorney at the number listed below.

Respectfully submitted,

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